

17/12/12

LAST Leps 22/11/12

LAST day 20/12/12

cant have it before 6th


**Kent  
Police**

Chief Officer of Police Representation in relation to an application  
for grant of premises licence made under Part 3 Section 17  
Licensing Act 2003 (S18 Licensing Act 2003)

RECEIVED

21 NOV 2012

**Details of person making objection**

Name of Chief Officer of Police	Chief Insp. Bumpus
Postal Address: (Area Headquarters)	Maidstone Police Station Palace Avenue, Maidstone.
E-mail address	west.division.licensing@kent.pnn.police.uk
Telephone Number:	01622 604403

**Details of premises representation is about**

Name of Premises:	Britannic Fish Bar
Address of premises:	54 Gabriel's Hill Maidstone Kent ME15 6JJ
Date application received by police	26/10/2012
Date representation sent to Licensing Authority	20/11/2012
<i>Must be within 28 days of receipt – The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005. Part 4 Reg. 22.</i>	

**The Chief Officer of Police has received an application for the grant of a premises licence made under the provisions of Section 17 Licensing Act 2003, and under Section 18 of that Act, asks the Licensing Authority to consider these representations in respect of: -**

*Please tick one or more of the licensing objectives that the representation relates to:*

Prevention of crime and disorder	<input checked="" type="checkbox"/>
Public Safety	<input checked="" type="checkbox"/>
Prevention of public nuisance	<input type="checkbox"/>
Protection of children from harm	<input type="checkbox"/>

**Is this a representation regarding the Designation of Premises Supervisor under S18 (9) Licensing Act 2003?** **NO**

If yes, complete the following statement: -

The relevant representation within the meaning of S.18(6) of the Licensing Act satisfy the requirements of S.18(9) of that Act and are as follows:

Due to the exceptional circumstances of this case, I am satisfied that the designation of the person concerned as the premises supervisor under the premises licence would undermine the crime prevention objective because ....

*Please use separate sheets where necessary*

The relevant representations within the meaning of S.18(6) of the Licensing Act satisfy the requirements of S.18(7) of that Act and are as follows:

**Please give the reason for the representation and detail the evidence supporting it:**

Please see attached sheet

*Please use separate sheets where necessary*

**Suggested conditions that could be added to the licence to remedy the representation or other suggestions the Licensing Sub Committee may take into account:**

*Please use separate sheets where necessary. Consider s106 Licensing Act 2003.*

Kent Police can not see how conditions can promote the prevention of crime and disorder. Kent Police believe that an extension means that crime and disorder will simply happen for longer.

Signed: Neil Barnes

Date: .20/11/212 .

Print name: ....PC Neil Barnes.....

Force Number: 10051

pp Chief Officer of Police for the Police Area in which the licensed premises are situated

Representation may be made at any time during the 28 consecutive days starting on the day after the day on which the application to which it relates was given to the authority by the applicant. Please return this form along with any additional sheets to the Licensing Authority. This form must be returned within the Statutory Period.

**Please give the reason for the representation and detail the evidence supporting it:**

Kent Police raise this objection in respect to a variation submitted for the Britannic Fish Bar, 54 Gabriel's Hill, Maidstone. The variation being to extend their hours of business so that they may serve late night refreshments until 05:00hrs on Saturday and Sunday. (Their current licence allowing them to serve until 04:00hrs). Kent Police believe that this extension will cause crime and disorder thereby undermining the first licensing objective. It should also be accepted that crime and disorder during the night time economy is predominantly *violence against the person* and therefore the Public Safety licensing objective will also be undermined.

Kent Police have evidence that the premises have in fact been trading after their allowed hours anyway and this has come to our attention due to incidents of disorder at the venue after 04:00hrs. As a result of this evidence Kent Police served a written formal warning to the premises at 12:05hrs on Thursday 4<sup>th</sup> October 2012, warning them that if they continue to serve after 04:00hrs they would be prosecuted. At the time the staff at the venue stated that they shut by 04:00hrs and if their doors were still open after that time, it would be for cleaning out. Although Kent Police can evidence some inaccuracy in the employee's statement as they have been trading after 04:00hrs, the comment does show that the staff are aware of the time that they were meant to shut.

If these incidents are already occurring whilst unlawfully trading after hours, it is reasonable to assume that they will continue to occur if allowed to legitimately trade until 05:00hrs.

Around 04:30hrs on Sunday the 30<sup>th</sup> September 2012 Police officers dealt with a fight in the premises, the Officers were outside the premises when they heard shouting from within. They noticed some males fighting/scuffling inside the premises and they also noted that there were a number of customers ordering food or waiting to be served. The officers went inside the shop and physically ejected those involved. However during this whole incident the staff continued to serve customers making no attempt to resolve the situation themselves other than indicate to the Officers some of those involved.

At 04:34hrs on Saturday the 19<sup>th</sup> May 2012 Police were called to the venue by staff reporting a disturbance. They reported that there was a drunken male in the premises refusing to leave and demanding food. He had apparently been in the premises for up to 2 hours.

At 04:20hrs on Saturday the 24<sup>th</sup> March 2012 staff called Police to the venue re a disturbance this time reporting that a drunken customer was in the premises swearing at staff. The Police operator has recorded that a "loud disturbance heard in the background" The male then started punching a window, however no damage was caused.

The venue is located at the bottom of Gabriel's Hill and is therefore on a main exit from the town centre for people leaving after a night out. In particular they are very close to the Roadhouse Night Club which closes at 04:00hrs.

Late night refreshment venues clearly attract pub and club customers on their way home. These people are often under the influence of alcohol. (In fact all of the incidents listed above involved drunken people) The venues cause these drunken people to stop exiting the town, while they order and await their food. This is a very common flash point for assaults and disorder, as drunken people are effectively kept together longer, often in a tightly packed area.

In addition to this, the variation application form offers nothing to show a promotion of the objectives. As can be seen from the incident on the 30/09/12 the staff can not be relied upon to either deal with disorder or to attempt to contact the Police when it occurs.

The Licensing Act makes it clear that we are to promote the licensing objectives. The first of which is the prevention of crime and disorder. Kent Police do not see how this extension can promote that objective, it can only allow disorder to continue. It is far better to get people out of town and dispersed as quickly as possible.

At the moment the venue has one condition to it's licence which is to have a "radio with a panic button to alert Police of any trouble". Assuming this to mean the Nite Net radio system, Kent Police have confirmed that the premises did have one but stopped using it several years ago.

Therefore we are being asked to allow an extension to a premises who have been operating outside their licence hours already, they appear not to have been complying with their one and only condition and there is evidence that the staff tolerate disorder. Kent Police do not think that this extension should be granted.